

YEAS—14.

Bell,	Garrison,	Shannon,
Calhoun,	Getzendaner,	Stinson,
Davis,	Harrison,	Terrell,
Evans,	Houston of Bexar,	Traylor.
Fowler,	Houston of Wheeler,	

NAYS—8.

Jerdone,	Knittel,	Pfeuffer,
Kilgore,	Peacock,	Woods.
Kleberg,	Perry,	

ABSENT, NOT VOTING.

Glasscock,	Pope.
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The amendment as amended was adopted.

Senator Houston of Wheeler offered the following amendment to the thirteenth committee amendment:

Amend by adding after the word "pine" the word "cedar."

Adopted.

Senator Shannon moved to reconsider the vote adopting the amendment.

Withdrawn.

Senator Davis moved to amend by striking out cypress, pine and cedar.

Adopted.

Senator Terrell moved to amend by adding after the word "shingles" the words "cross-ties or telegraph or telephone poles."

Adopted.

Senator Woods offered the following amendment:

Add to section —, (which section provides for sale of pine or cypress timber) the following: "Provided, no timber shall be cut, destroyed or removed from said land until the full amount of purchase money has been paid into the State treasury."

Adopted.

The committee amendment, as amended, was adopted.

Senator Terrell offered the following amendment to the fourteenth committee amendment:

Amend by adding "and insert the word 'thereby' in its stead."

Lost.

The fourteenth committee amendment was adopted.

Senator Glasscock moved to amend the fifteenth committee amendment by inserting the words "not less than" before the words "two dollars," in third line.

Lost.

The fifteenth committee amendment was adopted.

Senator Houston of Bexar, offered the following amendment:

Amend by adding to section 12:

"Provided, that any one person may be permitted to purchase as much as seven sections of dry and one of watered land, which are suitable for grazing purposes only."

Senator Glasscock offered the following amendment:

Amend, by adding to section 26, the following:

"The Commissioner of the General Land Office is further authorized to appoint one person to act as State rent agent, whose duty it shall be to go in person, under the direction of said Commissioner, and examine all the lands belonging to the State that are being used by any person, firm or corporation without paying rent thereon, and should said agent find any such lands being used without being rented, he shall demand rent from such person, firm or corporation, to be paid into the State treasury under the provisions of this act."

The Commissioner of the General Land Office shall furnish said State rent agent with a map of each county containing any of the State lands, with an estimate of the number of acres belonging to the State in each county subject to rent under this act, and if said agent, after examining any of the lands, finds that they are being used without being rented under the provisions of this act, may employ a surveyor to aid him in making measurement of such lands, and said surveyor shall not receive more than four dollars per day for time actually employed, and his fees shall be paid by the person, firm or corporation leasing said lands.

In each and every case, said State rent agent shall make full report of every person, firm or corporation raising cash or other stock in any of the unorganized counties in this State to the Commissioner of the General Land Office, giving the name and the place where located, the number of acres of land being used and the number of head of stock being grazed on said land, as near as he can ascertain, and the estimated value thereof; and said agent shall make a duplicate of said report and file the same in the office of the assessor in the organized county to which such unorganized county is attached for such purposes, for the purpose of enabling said assessor to make an assessment of the value of the property belonging to any such person, firm or corporation; and said agent shall have authority to examine witnesses to ascertain the facts necessary to be contained in his report.

The annual salary of said State rent agent shall be \$1200 and commission of twenty-five cents for each section of land rented and said commission shall be collected from the person, firm or corporation leasing said land, by the Commissioner of the General Land Office for the use of said State rent agent, which shall be paid to him; but his salary shall not exceed \$3600 per annum, and any commissions that may be collected in excess of this amount shall be paid into the State treasury in the same manner as other Land Office fees.

If it should be necessary for the protection of said agent while traveling in the discharge of his duties, the Adjutant General of the State shall furnish him with sufficient number of State troops for his protection.

Said State rent agent shall pay all his traveling and other expenses, and shall be required to give a bond of five thousand dollars for the faithful performance of his duties under this act.

Also amend the caption to conform to this amendment.

On motion of Senator Houston of Wheeler,

The Senate adjourned till 10 o'clock to-morrow morning.

FIFTY-EIGHTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, March 21, 1885.

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Kleberg,

The reading of the journal of yesterday was dispensed with.

REPORTS OF STANDING COMMITTEES.

By Senator Traylor:

COMMITTEE ROOM,
AUSTIN, March 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Finance, to whom was referred House bill No. 373, entitled "An act to authorize the collector of a newly organized county to collect the unpaid taxes found to be due in his county by the assessor's rolls of the county or counties from which such county has been taken or to which it has been attached for judicial purposes, and to provide for making transcripts from such rolls for the use of the collector in the new

county." have had the same under consideration, and instruct me to report it back with the recommendation that it do pass. All of which is respectfully submitted.

TRAYLOR, Chairman.

Bill read first time.
By Senator Davis:

COMMITTEE ROOM,
AUSTIN, March 21, 1885.

Rep. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred substitute House bills Nos. 171 and 208, entitled "An act to amend article 425 of the Penal Code of the State of Texas," have had the same under consideration, and instruct me to report it back with the recommendation that it do pass, with the following amendment:

Strike out "or by muddying the water."
All of which is respectfully submitted.

DAVIS, Chairman.

Bill read first time.

Senator Terrell called up Senate concurrent resolution No. 5, regarding adjournment sine die, and moved that the Senate concur in the House amendment.

Adopted by the following vote:

YEAS—13.

Davis,	Kilgore,	Shannon,
Fowler,	Kleberg,	Stinson,
Getzendaner,	Knittle,	Terrell,
Hall,	Perry,	Woods.
Houston of Bexar,		

NAYS—8.

Hall,	Houston of Wheeler,	Pfeuffer,
Calhoun,	Jerdone,	Traylor.
Garrison,	Peacock,	

ABSENT, NOT VOTING.

Evans,	Harrison,	Pope.
Glasscock,		

Senator Shannon entered a motion to reconsider the vote by which the Senate concurred in the House amendment.

Senator Terrell called up the motion to reconsider and moved to table it.

Lost by the following vote:

YEAS—9.

Davis,	Houston of Bexar,	Stinson,
Evans,	Kilgore,	Terrell,
Getzendaner,	Kleberg,	Woods.

NAYS—14.

Hall,	Harrison,	Pfeuffer,
Calhoun,	Jerdone,	Pope,
Fowler,	Knittle,	Shannon,
Garrison,	Peacock,	Traylor.
Hall,	Perry,	

ABSENT, NOT VOTING.

Glasscock,	Houston of Wheeler.
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The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 21, 1885.

Rep. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage of Senate bill No. 260, "An act to amend articles 1006, 1007 and 1008 of an act entitled 'an act to amend articles 1006, 1007 and 1008 of the Revised Civil Statutes of the State of Texas,' approved February 21, 1879, passed by the Eighteenth Legislature, and approved April 9, 1883," with House amendments.

A. D. SADLER,

Chief Clerk House of Representatives.

The Senate resumed consideration of substitute House bills Nos. 8, 34 and 70, "An act to provide for

the leasing and sale of the lands heretofore or hereafter to be surveyed and set apart for the benefit of the common schools, University, the Lunatic, Blind, Deaf and Dumb and Orphan Asylum funds."

The amendment of Senator Houston of Bexar was lost by the following vote:

YEAS—9.

Hall,	Kleberg,	Pope,
Houston of Bexar,	Knittel,	Shannon,
Jerdone,	Perry,	Terrell.

NAYS—14.

Bell,	Getzendaner,	Pfeuffer,
Calhoun,	Harrison,	Stinson,
Evans,	Houston of Wheeler,	Traylor,
Fowler,	Kilgore,	Woods.
Garrison,	Peacock,	

ABSENT, NOT VOTING.

Davis,	Glasscock.
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Senator Davis offered to amend the amendment of Senator Glasscock as follows:

Strike out "State rent agent" and insert "State grass commissioner."

Lost.

Senator Harrison offered the following substitute for the Senator Glasscock amendment:

Amend by adding to section 26 the following:

One of the clerks provided for in this section shall be known as "State rent agent," whose duty it shall be, under the direction of the Commissioner of the Land Office, to go in person and examine all lands embraced in this act that are being used by any person, firm or corporation, and make a full and complete report in each and every case where such lands are being used in a manner contrary to the provisions of this act, giving the name of the person, firm or corporation, the location, and the amount of lands claimed or used by them as a stock range for grazing purposes, and the number of cattle or other stock being grazed on said land, and the value thereof, as near as can be ascertained; and he shall forward said report, together with such other information as he may have, to the General Land Office, which shall be filed among the archives of said office to be used for the purpose of carrying out the provisions of this act.

It shall be the duty of said rent agent to demand rent from every person, firm or corporation for any lands being used by them in a manner unauthorized by this act, which rent shall be paid into the State treasury by such person, firm or corporation as provided for the payment of rents in this act. Said State rent agent shall receive for his services, in addition to the salary herein prescribed, the sum of twenty-five cents for each section leased, or upon which rent is collected, to be paid annually by the lessee to the Commissioner of the Land Office at the time the rent is due and payable; provided, his salary and fees shall in no one year exceed thirty-six hundred dollars, and if there be an excess it shall be paid into the State treasury in like manner as other Land Office fees; provided further, that said State rent agent shall pay all his traveling and other expenses.

Adopted by the following vote:

YEAS—18.

Bell,	Harrison,	Perry,
Evans,	Jerdone,	Pfeuffer,
Fowler,	Kilgore,	Shannon,
Garrison,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Traylor,
Hall,	Peacock,	Woods.

NAYS—6.

Calhoun,	Houston of Bexar,	Pope,
Davis,	Houston of Wheeler,	Stinson,

ABSENT, NOT VOTING.

Glasscock

The amendment, as substituted, was adopted by the following vote:

YEAS—17.

Bell,	Harrison,	Perry,
Evans,	Jerdone,	Pfeuffer,
Fowler,	Kilgore,	Shannon,
Garrison,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Woods.
Hall,	Peacock,	

NAYS—7.

Calhoun,	Houston of Wheeler,	Stinson,
Davis,	Pope,	Traylor.
Houston of Bexar,		

ABSENT NOT VOTING.

Glasscock.

Senator Houston of Wheeler offered the following amendment:

In line 24, section 2, after the word "used," add "provided further, all leases executed under this act shall, during the term thereof, remain subject to the right of the State at any time to alter, amend, reform or cancel the same, and it shall be so recited in all leases."

Senator Harrison offered the following substitute for the amendment:

"The State reserves the right by legislative enactment to alter, change or amend any contract of lease made under this act."

Accepted.

Lost by the following vote:

YEAS—3.

Harrison,	Houston of Wheeler,	Pope.
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NAYS—20.

Bell,	Houston of Bexar,	Pfeuffer,
Davis,	Jerdone,	Shannon,
Evans,	Kilgore,	Stinson,
Fowler,	Kleberg,	Terrell,
Garrison,	Knittel,	Traylor,
Getzendaner,	Peacock,	Woods.
Hall,	Perry,	

ABSENT, NOT VOTING.

Calhoun, Glasscock.

Senator Getzendaner moved to amend by inserting "ten," instead of "six," in section 2, line 3.

Lost.

Senator Peacock offered the following amendment:

Amend section 2 by striking out all down to and including the word "years," in line 3, and insert the following: "Said lands may be leased to any person, firm or corporation for any period not longer than six years."

Adopted by the following vote:

YEAS—15.

Davis,	Kilgore,	Pfeuffer,
Fowler,	Kleberg,	Shannon,
Hall,	Knittel,	Terrell,
Harrison,	Peacock,	Traylor,
Jerdone,	Perry,	Woods.

NAYS—9.

Bell,	Garrison,	Houston of Wheeler,
Calhoun,	Getzendaner,	Pope,
Evans,	Houston of Bexar,	Stinson.

ABSENT, NOT VOTING.

Glasscock.

Senator Traylor offered the following amendment to section 2:

Strike out the provision from line 14 to line 24 inclusive, which gives the preference right to lease to the person or corporation using the school land to the extent of the range claimed.

Adopted by the following vote:

YEAS—20.

Davis,	Jerdone,	Pope,
Evans,	Kilgore,	Shannon,
Fowler,	Kleberg,	Stinson,
Garrison,	Knittel,	Terrell,
Getzendaner,	Peacock,	Traylor,
Hall,	Perry,	Woods.
Harrison,	Pfeuffer,	

NAYS—4.

Bell,	Houston of Bexar,	Houston of Wheeler,
Calhoun,		

ABSENT, NOT VOTING.

Glasscock.

Senator Davis offered the following amendment to section 2:

Strike out all after "application," in line 11, to "and," line 14.

(Senator Getzendaner in the chair.)

The amendment of Senator Davis was adopted by the following vote:

YEAS—16.

Davis,	Harrison,	Peacock,
Evans,	Jerdone,	Pfeuffer,
Fowler,	Kilgore,	Shannon,
Garrison,	Kleberg,	Terrell,
Getzendaner,	Knittel,	Woods.
Hall,		

NAYS—7.

Bell,	Houston of Wheeler,	Stinson,
Calhoun,	Perry,	Traylor.
Houston of Bexar,		

ABSENT, NOT VOTING.

Glasscock, Pope.

Senator Fowler offered the following amendment:

Add another section to the bill as follows:

Section —. Land having upon it timber suitable for lumber or shingles may be sold to actual settlers only, at five dollars per acre cash, and in quantities not less than one-fourth section, or more than one-half section, unless the survey is a fraction of a section. In order to purchase land under this section the applicant shall file with the surveyor his written application, verified by affidavit, designating the quarter or half section which he desires to purchase, and stating that he intends to settle upon the same in good faith and occupy and improve it. The surveyor shall immediately record and deliver the application to the applicant upon the payment of a fee of one dollar. Within six months thereafter the applicant shall forward the application and purchase money to the General Land Office, whereupon it shall be the duty of the Commissioner to deposit said money in the State treasury and issue a patent to said applicant for the land described in his application; provided, the purchaser shall not be permitted to destroy or use the timber upon such land until he deposits the purchase money for the same in the Land Office as above set forth.

Adopted.

Senator Traylor offered the following amendment to section 12:

Prefix "dry" before lands, in line 1, and add after "acre," line 2, "and all lands with permanent water on them, or bordering on them, shall be sold at \$3 per acre."

Adopted.

Senator Shannon moved to amend section 13, by striking out, after the words "on it," in line 20, down to and including the word "thereon," in line 21.

Adopted.

Senator Bell offered the following amendment:

Amend section 19 by adding thereto: "Provided, that where any railroad company constructs its line of road across any lands belonging to the several funds hereinbefore mentioned"

shall have laid off a town site thereon, the purchase money for said section or sections on which a town site is laid off be paid to the Treasurer of the State in full by the original purchaser or his assigns at any time subsequent to the completion of the railroad and the laying out of the town site, the Commissioner of the General Land Office shall at once be patent for such land to the owner thereof upon the payment of said purchase money, and when it is made to appear by the affidavit of two credible citizens that the railroad has been constructed across said land, and the said town laid off."

Adopted by the following vote:

YEAS—20.

Bell,	Houston of Wheeler,	Pfeuffer,
Calhoun,	Jerdone,	Pope,
Davis,	Kilgore,	Shannon,
Getzdaner,	Kleberg,	Terrell,
Hall,	Knittel,	Traylor,
Harrison,	Peacock,	Woods,
Houston of Bexar,	Perry,	

NAYS—4.

Davis,	Garrison,	Stinson.
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ABSENT, NOT VOTING.

Glasscock.

Senator Harrison offered the following amendment:

Amend engrossed rider by striking out, in line 4, the following words, "use said lands," and insert, "herd, loose herd or pasture his stock for the purpose of grazing upon any of such lands by line-riding, fencing or otherwise."

Adopted by the following vote:

YEAS—19.

Bell,	Harrison,	Perry,
Davis,	Houston of Bexar,	Shannon,
Evans,	Jerdone,	Stinson,
Fowler,	Kilgore,	Terrell,
Harrison,	Knittel,	Traylor,
Getzdaner,	Peacock,	Woods,
Hall,		

NAYS—4.

Calhoun,	Kleberg,	Pfeuffer.
Houston of Wheeler,		

ABSENT, NOT VOTING.
Pope.

Glasscock,

The bill was passed to third reading.

Senator Traylor moved to suspend the constitutional rule and place the bill on its final passage.

Adopted by the following vote:

YEAS—21.

Bell,	Hall,	Perry,
Calhoun,	Harrison,	Pfeuffer,
Davis,	Houston of Bexar,	Pope,
Evans,	Jerdone,	Shannon,
Fowler,	Kilgore,	Terrell,
Harrison,	Kleberg,	Traylor,
Getzdaner,	Knittel,	Woods,

NAYS—2.

Peacock,	Stinson.
Glasscock,	ABSENT, NOT VOTING.
	Houston of Wheeler.

The bill was read third time and passed by the following vote:

YEAS—19.

Bell,	Harrison,	Pfeuffer,
Davis,	Jerdone,	Shannon,
Evans,	Kilgore,	Stinson,
Fowler,	Kleberg,	Terrell,
Harrison,	Knittel,	Traylor,
Getzdaner,	Perry,	Woods,
Hall,		

NAYS—4.

Calhoun,	Peacock,	Pope.
Houston of Wheeler,		

ABSENT, NOT VOTING,
Houston of Bexar.

Glasscock,

(The President in the chair.)

The President laid Senate bill No. 260, "An act to amend articles 1006, 1007 and 1008 of the Revised Civil Statutes of the State of Texas, approved February 21, 1879, passed by the Eighteenth Legislature, and approved April 9, 1883," before the Senate, with House amendments.

On motion of Senator Perry,

The Senate concurred in the House amendments.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, March 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage of the following bills:

Senate bill No. 157, "An act to amend articles 1770, 1771, 1772, 1773, 1777 and 1780 of the Revised Statutes, so as to better regulate the law of escheats."

House bill No. 349, "An act to amend article 797, chapter 17, title 17 of the Penal Code of the State of Texas."

A. D. SADLER,

Chief Clerk House of Representatives.

House bill No. 349 was referred to Judiciary Committee No. 1.

On motion of Senator Houston of Bexar,

House bill No. 437, "An act to protect mechanics, operatives, book-keepers, clerks and laborers, who perform labor in any mill, factory, shop, store, office or farm, against the failure of owners, sub-owners, contractors or agents to pay their wages, and to provide a lien for such wages," was taken up out of its regular order, and,

On motion of Senator Davis,

Was made the special order for Monday after morning call, and from day to day till disposed of.

On motion of Senator Pope,

House bill No. 324, entitled "An act to compel railroads and other corporations to establish and maintain public offices in the State of Texas; and providing what books shall be kept thereat, and what said books shall contain, and requiring them to keep said books open for inspection, and to compel them to report to the Comptroller or Governor the true status of said corporations, and such other matters as may be required by said Governor or Comptroller, and providing appropriate penalties for a failure to comply herewith," was taken up and made the special order for Monday after the first special order after morning call, and from day to day till disposed of.

On motion of Senator Davis,

House bill No. 489, "An act to amend chapter 6, title 8 of the Penal Code, by adding article 259a," was taken up out of its regular order and read the second time, and was passed to third reading.

On motion of Senator Davis,

The constitutional rule was suspended and

The bill was placed on its final passage by the following vote:

YEAS—20.

Bell,	Evans,	Getzdaner,
Calhoun,	Fowler,	Hall,
Davis,	Garrison,	Houston of Bexar,

Houston of Wheeler, Peacock.
Jerdone, Perry,
Kilgore, Pfeuffer,
Kleberg, Pope,

Stinson,
Traylor,
Woods.

YAYS—2.

Harrison,

Terrell.

ABSENT, NOT VOTING.

Glasscock,

Knittel,

Shannon.

The bill was read third time and passed by the following vote:

YEAS—18.

Bell,
Calhoun,
Davis,
Evans,
Fowler,
Garrison,

Getzendaner,
Hall,
Houston of Bexar,
Houston of Wheeler,
Jerdone,
Kilgore,

Kleberg,
Peacock,
Pfeuffer,
Pope,
Traylor,
Woods.

NAYS—4.

Harrison,
Perry,

Stinson,

Terrell.

ABSENT, NOT VOTING.

Glasscock,

Knittel,

Shannon.

Senator Bell moved to postpone the special orders and take up House bills on second and third reading.

Adopted.

House bill No. 79, entitled "An act to amend chapter 9 and section 10 of an act of the regular session of the Seventeenth Legislature, entitled 'an act authorizing the commissioners' courts of the several counties of the State to issue bonds for the erection of a court house, and to levy a tax to pay the same,' approved February 11, A. D. 1881, so as to include the issue of jail bonds, denominated as chapter 17 of the acts of the special session of the Legislature held in 1884, and to validate bonds issued under an act entitled 'an act to amend chapter 9, section 10 of an act of the regular session of the Seventeenth Legislature, entitled 'an act authorizing the county commissioners' courts of the several counties of this State to issue bonds for the erection of a court house, and to levy a tax to pay the same,' approved February 11, 1881, so as to include the issue of jail bonds," was laid before the Senate and read the second time.

Senator Getzendaner offered the following amendment:

Amend by adding to section 1 as follows:

Provided counties having an area greater than 2000 square miles shall not be permitted to create a bonded debt under the provisions of this act.

Lost.

The bill was passed to third reading.

House bill No. 9, "An act to amend articles 3201, 3222 and 3225 of the Revised Civil Statutes of the State of Texas, adopted at the regular session of the Sixteenth Legislature," was laid before the Senate, and

Read the second time with majority (unfavorable) and minority (favorable) reports.

Senator Peacock moved the adoption of the majority report.

Senator Woods moved to substitute the minority for the majority report.

Lost by the following vote:

YEAS—9.

Calhoun,
Evans,
Getzendaner,

Harrison,
Houston of Bexar,
Perry,

Terrell,
Traylor,
Woods.

NAYS—14.

Bell,
Davis,
Fowler,
Garrison,
Houston of Wheeler,

Jerdone,
Kilgore,
Kleberg,
Knittel,
Peacock,

Pfeuffer,
Pope,
Shannon,
Stinson.

ABSENT, NOT VOTING.

Glasscock,

Hall.

The majority (unfavorable) report was adopted. House bill No. 10, "An act to amend articles 126 and 1389 in title 29 of the Revised Civil Statutes of the State of Texas," was laid before the Senate, and read the second time with unfavorable committee report.

On motion of Senator Peacock,

The report (killing the bill) was adopted.

House bill No. 36, "An act to amend article 625 of the Code of Criminal Procedure, relating to challenges to the array," was laid before the Senate, and read second time, with unfavorable committee report.

On motion of Senator Davis,

The report was adopted, killing the bill.

On motion of Senator Pope,

One hundred copies of House bill No. 324 (railroad bill) were ordered printed for the use of the Senate.

Substitute House bill No. 41, "An act to amend chapter 1, title 10 of the Code of Criminal Procedure of the State of Texas," was laid before the Senate and read the second time, with unfavorable (majority) and favorable (minority) committee reports.

Senator Bell moved to substitute the minority for the majority report.

(Senator Terrell in the chair.)

Senator Pope moved the previous question on the motion to substitute the minority for the majority report.

Seconded, and main question ordered.

The motion to substitute was lost by the following vote:

YEAS—11.

Bell,
Calhoun,
Getzendaner,
Kleberg,

Knittel,
Perry,
Pfeuffer,
Stinson,

Terrell,
Traylor,
Woods.

NAYS—13.

Davis,
Evans,
Fowler,
Garrison,
Hall,

Harrison,
Houston of Bexar,
Houston of Wheeler,
Jerdone,

Kilgore,
Peacock,
Pope,
Shannon.

ABSENT, NOT VOTING.

Glasscock.

The majority report, defeating the bill, was adopted.

On motion of Senator Houston of Bexar,

The Senate adjourned till eleven o'clock Monday morning.